IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 9743 of 2004

Between:

Pasumarthi John Victor R/o. Addanki, Prakasam District.

..... PETITIONER

AND

1 Madalavaripalem PACS rep by its person-in-charge, Madalavaripalem Podili Mandal, Prakasam District.
2 The District Cooperative Officer, Ongole, Prakasam District.
3 The General Manager The Prakasam District Coop. Central BankLtd., Central Office, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.1 herein in not implementing the orders passed by the 3rd respondent on 13-9-2000 vide proceedings Secretaries/A7/238/2000 inspite of several visits and submitting a representation on 10-9-2003 by the petitioner, as highly illegal, unconstitutional, unjust and consequently direct the respondent No.1 herein to forthwith release the salaries to the petitioner pursuant to the proceedings of the 3rd respondent and to grant such other relief or reliefs.

Counsel for the Petitioner: SMT.KAVITHA GOTTIPATI

Counsel for the Respondent No.2: GP FOR COOPERATION

Counsel for the Respondent Nos.1&3: MR R.V.NAGABHUSHANA RAO

The Court made the following :

ORAL ORDER:

The petitioner, who is An Ex-Paid Secretary (PACS), filed this writ petition seeking to issue a writ of mandamus directing the first respondent Madalavaripalem PACS to release the salaries payable to him pursuant to the proceedings of the 3rd respondent.

In so far as the issue of non-payment of the salaries to the Paid Secretaries of the PACS are concerned, the only course open to the petitioner is to approach under the A.P. Shops and Establishments Act which applies to the Primary Cooperative Societies also as held by me in ***WP No.3171 of 2003 & Batch dated 30-8-2004.***

Accordingly, the writ petition is dismissed as covered and the petitioner can approach before the Authority under the A.P. Shops and Establishments Act 1988 and on such approach, the authority concerned may take up the matter and dispose of the same as expeditious as possible in accordance with law. No order as to costs.

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V. ESWARAIAH, J

Dt. 13-9-2004

KVRK

To

1 The Person-in-charge, Madalavaripalem PACS, Madalavaripalem Podili Mandal, Prakasam District.
2 The District Cooperative Officer, Ongole, Prakasam District.
3 The General Manager, The Prakasam District Coop. Central BankLtd., Central Office, Ongole, Prakasam District.

4. Two copies to GP for cooperation, High Court Buildings, Hyd.(OUT)

5. Two CD copies.